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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/272,810	03/19/1999	RICHARD J. CARTER	10982056-1	6119

7590 03/04/2005

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EXAMINER
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LUU, LE HIEN

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/272,810

Applicant(s)

CARTER ET AL.

Examiner

Le H Luu

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

1. Claims 1-31 are presented for examination.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-4, 6-11, and 13-21 are rejected under U.S. Code § 102 (e) as being anticipated by Huras et al. (Huras) patent no. 6,125,401.

4. As to claim 1, Huras teaches a method comprising:

establishing a network connection between a server and an external client, the network connection including a client-to-server channel and a sever-to-client channel (figure 1; col. 1 lines 10-55; col. 4 lines 39-65 ; col. 5 lines 10-23);

receiving at the server a request from the client for a response by the server (col. 6 lines 17-32; col. 7 lines 23-56);

before preparing a response to the client request, the server examining local server information to determine whether the client-to-server channel of the network connection with the requesting client is still established (col. 7 line 57 - col. 8 line 9 and col. 8 lines 59-67); and

the server not preparing the response to the client request if the client-to-server channel is determined to be no longer established (col. 1 lines 11-25; col. 4 line 39 - col. 8 line 67; specially col. 7 line 57 - col. 8 line 9, and col. 8 lines 59-67).

5. As to claims 2-4 and 6-7, Huras teach the state of the server-to-client channel is inferred after reading from client-to-server channel; a read buffer is being used to determine whether the client-to-server channel is still established; specific state of the connection is determined by examining local information in the server, and interrupt on the server when the client-to-server channel is determined to be no longer established. In addition, Huras teaches that polling is being used despite of some disadvantages (col. 1 lines 43-55, col. 4 line 39 - col. 8 line 67).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 12, and 22-31 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Huras et al. (Huras) patent no. 6,125,401, in view of Hong et al. (Hong) patent no. 6,563,821.

8. As to claim 5, Huras teaches the invention substantially as claimed as discussed above; However, Huras does not explicitly teach the client-to-server channel is determined to be no longer established if the local information indicates that the client-to-server channel is in a "CLOSE\_WAIT" state.

Hong teaches determining a user connection termination by examining a CLOSE\_WAIT state, and a server will issue a socket CLOSE call in a remote communications server system supports a plurality of communications sessions between multiple dial-in users and a network.

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Huras and Hong to determine if the client-to-server channel is no longer established by examining if the local information indicates that the client-to-server channel is in a "CLOSE\_WAIT" state because it would allow server to provide more users simultaneously access to the network.

9. As to claim 22-23, Hong teaches a web server and a web page requested by the client (col. 34 lines 44-56).

10. Claims 8-31 have similar limitations as claims 1-7 and 22-23; therefore, they are rejected under the same rationale.

11. In the remarks, applicant argued in substance that

(A) Prior art does not teach a network environment.

As to point (A), Huras inherently teaches a client-server system where a terminal and personal computer both have network interface cards that connect to a main computer via a network (figure 1; col. 1 lines 10-55; col. 4 lines 39-65). This point had been addressed in Final Office Action paper no. 8.

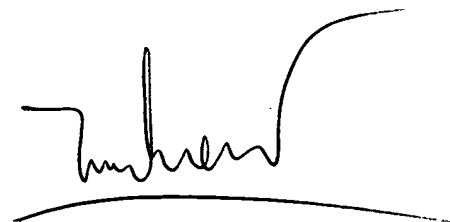
12. Applicant's arguments filed on 11/17/04 have been fully considered but they are not deemed to be persuasive.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H Luu whose telephone number is 571-272-3884. The examiner can normally be reached on 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Le Hien Luu', is written over a horizontal line.

LE HIEN LUU  
PRIMARY EXAMINER

March 03, 2005